

Notice of Allowability

Application No.

09/835,933

Examiner

Robin A. Hylton

Applicant(s)

HEFNER, CORBETT T.

Art Unit

3781

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the amendment filed June 30, 2006.
2. ☒ The allowed claim(s) is/are 1-7,9,11-20 and 32-35.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☒ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☐ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Timothy Newholm on October 5, 2006.

The application has been amended as follows:

IN THE CLAIMS:

1. (Currently Amended) A synthetic resin half-and-half bag for use with automatic bag filling equipment, said bag comprising:
 - (A) first and second side walls joined along two side edge portions and a bottom edge portion to form said bag, said first side wall being formed from a synthetic resin mesh material, and said second side wall being formed from a synthetic resin film material; and
 - (B) a reinforcing strip of a synthetic resin film extending along an upper edge of said first, mesh side wall of said bag, wherein
 - 1) said reinforcing strip has a horizontal length, a vertical width, a bottom edge, a top edge, and a pair of side edges;
 - 2) said reinforcing strip is formed from a single, unfolded strip of material;
 - 3) said reinforcing strip is bonded directly to and overlaps said upper edge of said first, mesh side wall at a location beneath said top edge of said reinforcing strip to form an extension that protrudes well above said upper edge of said first, mesh side wall, said extension having a vertical width and a horizontal length, wherein said vertical width extends from said upper edge of said first, mesh side wall to an upper edge of said extension; ~~and~~
 - 4) said side edges of said reinforcing strip are directly joined to said second, film side wall, ~~without any other layers located therebetween,~~ along seams extending at

Art Unit: 3781

least a majority of the vertical width of said extension to provide film-to-film bonding between said extension and said second, film side wall;

5) one of said reinforcing strip and said second, film side wall has wicket holes formed therethrough for mounting the bag on wicket pins of the bag filling equipment; and wherein

6) slits are cut in said one of said reinforcing strip and said second, film side wall in the vicinity of said wicket holes to allow for removal of the bag from the bag filling equipment.

Claims 8 and 10 have been cancelled.

In claim 9, line 1, "claim 8" has been changed to -- claim 1 --.

15. (Currently Amended) A synthetic half-and-half resin bag for use with wicket pins of automatic bag filling equipment, said bag comprising:

(A) first and second side walls joined along two side edge portions and a bottom edge portion to form said bag, said first side wall being formed from a synthetic resin fiber mesh material, and said second side wall being formed from a synthetic resin film material; and

(B) a reinforcing strip of a synthetic resin film extending along an upper edge of an exterior surface of said first, mesh side wall, wherein

1) said reinforcing strip has a horizontal length that is at least generally equal to a horizontal width of said bag, a vertical width of at least 1-½", a bottom edge, a top edge, and a pair of side edges;

2) said reinforcing strip is formed from a single, unfolded strip of material;

3) said reinforcing strip overlaps said upper edge of said first, mesh side wall such that said reinforcing strip is bonded directly to said first side wall through a horizontal seam positioned well beneath said top edge of said reinforcing strip to form an extension that protrudes at least 1" above said upper edge of said first, mesh side wall, said extension having a vertical width and a horizontal length, wherein said vertical width extends from said upper edge of said first, mesh side wall to an upper edge of said extension,

Art Unit: 3781

- 4) said side edges of said reinforcing strip are thermally bonded directly to said second, film side wall, ~~without any other layers located therebetween,~~ along seams extending at least a majority of the vertical width of said extension to provide film-to-film bonding between said extension and said second, film side wall, and
- 5) one of said reinforcing strip and said second side wall has an upper portion which extends above the other of said second side wall and said reinforcing strip and which has wicket holes formed therein for mounting the bag on the wicket pins of the bag filling equipment.

20. (Currently Amended) A synthetic resin half-and-half bag for use with wicketed automatic bag filling equipment, said bag comprising:

- (A) first and second side walls joined along two side edge portions and a bottom edge portion to form said bag, said first side wall being formed from a synthetic resin mesh material, and said second side wall being formed from a synthetic resin film material, an upper edge of said second side wall extending above an upper edge of said first side wall and having wicket holes formed therein for hanging said bag from wicket pins of the bag filling equipment; and
- (B) a reinforcing strip of a synthetic resin film bonded directly to and extending along said upper edge of said first, mesh side wall of the bag, wherein said reinforcing strip is formed from a single, unfolded strip of material, wherein said reinforcing strip protrudes well above said upper edge of said first, mesh side wall to form an extension of said upper edge of said first, mesh side wall that presents an engagement surface for suction cups of the bag filling equipment, wherein said upper edge of said second, film side wall protrudes above an upper edge of said reinforcing strip, wherein said extension of said strip has a vertical width that extends from said upper edge of said first, mesh side wall to an upper edge of said extension, a horizontal length, and side edges, and wherein said side edges of said reinforcing strip are directly joined to said second, film side wall, ~~without any other layers located therebetween,~~ along seams extending at least a majority of the vertical width of said extension to provide film-to-film bonding between said reinforcing strip and said, second film side wall.

In claim 35, line 2, the phrase "formed in said second, film side wall" has been changed to -- located --.

Allowable Subject Matter

2. The following is an examiner's statement of reasons for allowance: upon reconsideration of the prior art of record, the claims are allowable as amended herein for the following reasons.

Huertas teaches a bag with holes in an upper portion to form handles. With respect to claim 1, it would not have been obvious to one of ordinary skill in the art at the time the invention was made to form slits in the area of the holes since this would weaken the handles. With respect to claims 15 and 20, providing one sidewall with a longer upwardly extending portion would not have been obvious to one of ordinary skill in the art at the time the invention was made since this would teach away from the use of the holes as handles.

Fox '489 specifically teaches utilizing a reinforcing, film strip attached to an upper portion of a mesh side wall, the reinforcing strip extending above the upper edge of the second, film wall, the film wall being bonded to the reinforcing strip at the junction of the top of the mesh wall. Fox does not teach an extension portion of the reinforcing strip being located above the top edge of the mesh wall and the extension portion is bonded directly to the second, film side wall. It would not have been obvious to one of ordinary skill in the art at the time the invention was made to extend the reinforcing strip such that an extension portion located above the top of the mesh wall and is directly bonded to the second, film wall. There is no suggestion to extend the top of the film wall above the top of the reinforcing strip.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Art Unit: 3781

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robin Hylton whose telephone number is (571) 272-4540. The examiner can normally be reached Monday - Friday from 9:00 a.m. to 4:00 p.m. (Eastern time).


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Anthony Stashick, can be reached on (571) 272-4561.

Any inquiry of a general nature or relating to the status of this application or proceeding may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Other helpful telephone numbers are listed for applicant's benefit:

- Allowed Files & Publication (888) 786-0101
- Assignment Branch (800) 972-6382
- Certificates of Correction (703) 305-8309
- Fee Questions (571) 272-6400
- Inventor Assistance Center (800) PTO-9199
- Petitions/special Programs (571) 272-3282
- Information Help line 1-800-786-9199
- Internet PTO-Home Page <http://www.uspto.gov>

RAH
October 5, 2006



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